

MESSAGE NO: 8093117 MESSAGE DATE: 04/03/1998

MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 8070113
MESSAGE #
(s):

CASE #(s): C-428-207, C-428-208, C-428-209

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/07/1992 TO 12/31/1996

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION FOR CERTAIN CARBON STEEL PRODUCTS FROM GERMANY (C-428-207/208/209) FOR THE PERIOD 12/92 THROUGH 12/96

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CASES: C - 428 - 207

C - 428 - 208

C - 428 - 209

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PERIOD COVERED: 12 07 1992 TO 12 31 1996

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: LIQUIDATION FOR CERTAIN CARBON STEEL PRODUCTS FROM
GERMANY (C-428-207/208/209) FOR THE PERIOD 12/92
THROUGH 12/96

1. ON MARCH 11, 1998, AN E-MAIL MESSAGE (# 8070113) WAS SENT WITH RESPECT TO CERTAIN CARBON STEEL PRODUCTS FROM GERMANY INSTRUCTING CUSTOMS TO LIQUIDATE ENTRIES PRODUCED BY THYSSEN STAHL (THYSSEN) DUE TO THE COMPLETION OF LITIGATION AFFECTING THIS PRODUCER AND THE PERIOD DECEMBER 7, 1992 THROUGH DECEMBER 31, 1996. THE SAME IS TRUE OF ALL PRODUCER/EXPORTERS OF GERMAN CERTAIN STEEL PRODUCTS WITH THE EXCEPTION OF COMPANIES INVOLVED IN ONGOING LITIGATION OF ISSUES CONCERNING PRIVATIZATION. PRIVATIZATION ONLY AFFECTS

THE GERMAN COMPANY DILLINGER. ENTRIES MADE BY DILLINGER
REMAIN ENJOINED. ENTRIES MADE BY GERMAN PRODUCERS/EXPORTERS
OTHER THAN DILLINGER MAY NOW BE LIQUIDATED.

2. MERCHANDISE COVERED BY THE COUNTERVAILING DUTY ORDER ON COLD-ROLLED

CARBON STEEL FLAT PRODUCTS (C-428-207) INCLUDE CARBON STEEL
FLAT-ROLLED PROODUCTS, OF RECTANGULAR SHAPE, NEITHER CLAD, PLATED
NOR COATED WITH METAL, WHETHER OR NOT PAINTED, VARNISHED OR COATED

WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES, IN COILS (WHETHER
OR NOT IN SUCCESSIVELY SUPERIMPOSED LAYERS) AND OF A WIDTH OF 0.5
INCH OR GREATER, OR IN STRAIGHT LENGTHS WHICH, IF OF A THICKNESS
LESS THAN 4.75 MILLIMETERS, ARE OF A WIDTH OF 0.5 INCH OR GREATER
AND WHICH MEASURES AT LEAST 10 TIMES THE THICKNESS OR IF OF A
THICKNESS OF 4.75 MILLIMETERS OR MORE ARE OF A WIDTH WHICH EXCEEDS
150 MILLIMETERS AND MEASURES AT LEAST TWICE THE THICKNESS.,

MERCHANDISE COVERED BY THE COUNTERVAILING DUTY ORDER ON
CERTAIN CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS
(C-428-208) INCLUDE FLAT-ROLLED CARBON STEEL PRODUCTS, OF
RECTANGULAR SHAPE, EITHER CLAD, PLATED, OR COATED WITH
CORROSION-RESISTANT METALS SUCH AS ZINC, ALUMINUM, OR ZINC-,
ALUMINUM-., NICKEL- OR IRON-BASED ALLOYS, WHETHER OR NOT
CORRUGATED OR PAINTED, VARNISHED OR COATED WITH PLASTICS OR
OTHER NONMETALLIC SUBSTANCES IN ADDITION TO THE METALLIC
COATING, IN COILS, WHETHER OR NOT IN SUCCESSIVELY
SUPERIMPOSED LAYERS) AND OF A WIDTH OF 0.5 INCH OR GREATER,
OR IN STRAIGHT LENGTHS WHICH, IF OF A THICKNESS LESS THAN
4.75 MILLIMETERS, ARE OF A WIDTH OF 0.5 INCH OR GREATER AND
WHICH MEASURES AT LEAST 10 TIMES THE THICKNESS OR IF OF A
THICKNESS OF 4.75 MILLIMETERS OR MORE ARE OF A WIDTH WHICH
EXCEEDS 150 MILLIMETERS AND MEASURES AT LEAST TWICE THE
THICKNESS. INCLUDED IN THIS ORDER ARE FLAT-ROLLED PRODUCTS
OF NONRECTANGULAR CROSS-SECTION WHERE SUCH CROSS-SECTION IS
ACHIEVED SUBSEQUENT TO THE ROLLING PROCESS (I.E., PRODUCTS
WHICH HAVE BEEN WORKED AFTER ROLLING) - FOR EXAMPLE,

PRODUCTS WHICH HAVE BEEN BEVELLED OR ROUNDED AT THE EDGES. EXCLUDED FROM THIS ORDER ARE FLAT-ROLLED STEEL PRODUCTS EITHER PLATED OR COATED WITH TIN, LEAD, CHROMIUM, CHROMIUM OXIDES, BOTH TIN AND LEAD ("TERNE PLATE"), OR BOTH CHROMIUM AND CHROMIUM OXIDES ("TIN FREE STEEL"), WHETHER OR NOT PAINTED, VARNISHED OR COATED WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES IN ADDITION TO THE METALLIC COATING. ALSO EXCLUDED FROM THIS ORDER ARE CLAD PRODUCTS IN STRAIGHT LENGTHS OF 0.1875 INCH OR MORE IN COMPOSITE THICKNESS AND OF A WIDTH WHICH EXCEEDS 150 MILLIMETERS AND MEASURES AT LEAST TWICE THE THICKNESS. ALSO EXCLUDED ARE CERTAIN CLAD STAINLESS FLAT-ROLLED PRODUCTS, WHICH ARE THREE-LAYERED CORROSION-RESISTANT CARBON STEEL FLAT-ROLLED PRODUCTS LESS THAN 4.75 MILLIMETERS IN COMPOSITE THICKNESS THAT CONSIST OF A CARBON STEEL FLAT-ROLLED PRODUCT CLAD ON BOTH SIDES WITH STAINLESS STEEL IN A 20-60-20 PERCENT RATIO.

THE COUNTERVAILING DUTY ORDER ON CERTAIN CUT-TO-LENGTH CARBON STEEL PLATE (C-428-209) COVERS HOT-ROLLED CARBON STEEL UNIVERSAL MILL PLATES (I.E., FLAT-ROLLED PRODUCTS ROLLED ON FOUR FACES OR IN A CLOSED BOX PASS, OF A WIDTH EXCEEDING 150 MILLIMETERS BUT NOT EXCEEDING 1,250 MILLIMETERS AND OF A THICKNESS OF NOT LESS THAN 4 MILLIMETERS, NOT IN COILS AND WITHOUT PATTERNS IN RELIEF), OF RECTANGULAR SHAPE, NEITHER CLAD, PLATED NOR COATED WITH METAL, WHETHER OR NOT PAINTED, VARNISHED, OR COATED WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES; AND CERTAIN HOT-ROLLED CARBON STEEL FLAT-ROLLED PRODUCTS IN STRAIGHT LENGTHS, OF RECTANGULAR SHAPES, HOT ROLLED, NEITHER CLAD, PLATED, NOR COATED WITH METAL, WHETHER OR NOT PAINTED, VARNISHED OR COATED WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES, 4.75 MILLIMETER OR MORE IN THICKNESS AND OF A WIDTH WHICH EXCEEDS 150 MILLIMETERS AND MEASURES AT LEAST TWICE THE THICKNESS. INCLUDED IN THIS ORDER ARE FLAT-ROLLED PRODUCTS OF NONRECTANGULAR CROSS-SECTION WHERE SUCH CROSS-SECTION IS ACHIEVED SUBSEQUENT TO THE ROLLING PROCESS (I.E., PRODUCTS WHICH HAVE BEEN WORKED AFTER ROLLING) - FOR EXAMPLE, PRODUCTS WHICH HAVE BEEN BEVELLED OR ROUNDED AT THE

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EDGES. EXCLUDED IS GRADE X-70 PLATE.

3. THEREFORE, IN ACCORDANCE WITH SECTION 355.22(G) AND 351.212(C) OF THE COMMERCE REGULATIONS, YOU ARE TO ASSESS COUNTERVAILING DUTIES AT RATES EQUAL TO THE CASH DEPOSIT OF ESTIMATED COUNTERVAILING DUTIES REQUIRED AT THE TIME OF ENTRY ON THE SPECIFIED SUBJECT MERCHANDISE PRODUCED/EXPORTED BY COMPANIES OTHER THAN DILLINGER WHICH WAS ENTERED ON OR AFTER DECEMBER 7, 1992 AND WHICH WAS EXPORTED ON OR BEFORE DECEMBER 31, 1996. MERCHANDISE COVERED BY THE COUNTERVAILING DUTY ORDERS ON CUT-TO-LENGTH CARBON STEEL PLATE AND CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS ENTERED ON OR AFTER APRIL 6, 1993 AND BEFORE AUGUST 17, 1993 IS NOT SUBJECT TO SUSPENSION OF LIQUIDATION OR TO THE PAYMENT OF COUNTERVAILING DUTIES. THE PERIOD WITH RESPECT TO COLD-ROLLED CARBON STEEL FLAT PRODUCTS APPLIES TO ENTRIES MADE ON OR AFTER AUGUST 18, 1993 WHICH WERE EXPORTED ON OR BEFORE DECEMBER 31, 1996.

4. THE RATES OF ESTIMATED COUNTERVAILING DUTIES WHICH WERE REQUIRED TO BE DEPOSITED ARE:

C-428-207 GERMAN COLD-ROLLED CARBON STEEL FLAT PRODUCTS

8/18/93 - 12/31/96 0.85 PERCENT

C-428-208 GERMAN CORROSION-RESISTANT CARBON STEEL PLATE

12/7/92 - 4/5/93 0.68PERCENT

4/6/93 - 8/16/93 NO SUSPENSION

8/17/93 - 12/31/96 0.60 PERCENT

C-428-209-001 GERMAN CUT-TO-LENGTH CARBON STEEL PLATE

PRODUCED/EXPORTED BY ILSENBURG

12/7/92 - 4/5/93 2.11PERCENT

4/6/93 - 8/16/93 NO SUSPENSION

8/17/93 - 12/31/96 0.80 PERCENT

C-428-209-002 GERMAN CUT-TO-LENGTH CARBON STEEL PLATE

PRODUCED/EXPORTED BY PREUSSAG

12/7/92 - 4/5/93 1.91PERCENT
4/6/93 - 8/16/93 NO SUSPENSION
8/17/93 - 12/31/96 1.72 PERCENT

C-428-209-000 GERMAN CUT-TO-LENGTH CARBON STEEL PLATE
PRODUCED/EXPORTED BY OTHER COMPANIES

12/7/92 - 4/5/93 17.26 PERCENT
4/6/93 - 8/16/93 NO SUSPENSION
8/17/93 - 12/31/96 14.84 PERCENT

5. SHIPMENTS OF CUT-TO-LENGTH PLATE AND CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, ON OR AFTER APRIL 6, 1993 AND BEFORE AUGUST 17, 1993 SHOULD BE LIQUIDATED WITHOUT REGARD TO COUNTERVAILING DUTIES. IN ADDITION, NO COUNTERVAILING DUTIES APPLY TO ENTRIES OF COLD-ROLLED CARBON STEEL FLAT PRODUCTS MADE BEFORE AUGUST 18, 1993.
 6. THE SUSPENSION OF LIQUIDATION ORDERED FOR THE MERCHANDISE LISTED ABOVE PRODUCED/EXPORTED BY COMPANIES OTHER THAN DILLINGER OF GERMANY WHICH ENTERED ON OR AFTER DECEMBER 7, 1992 AND WHICH WERE EXPORTED ON OR BEFORE DECEMBER 31, 1996 IS LIFTED. THE SUSPENSION OF LIQUIDATION FOR ALL SHIPMENTS OF THE MERCHANDISE LISTED ABOVE EXPORTED AFTER DECEMBER 31, 1996 WILL CONTINUE.
 7. THE ASSESSMENT OF COUNTERVAILING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDER ON AUGUST 17, 1993. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED COUNTERVAILING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH
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INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621
OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA EMAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT ANNE D'ALAURO IN THE OFFICE OF CVD/AD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-2786.
9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party